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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/485,094  | 02/04/2000  | KARI REPONEN         | PM266020            | 1466             |
| 909   | 7590        | 10/07/2003           | EXAMINER            |                  |
| PILLSBURY WINTHROP, LLP<br>P.O. BOX 10500<br>MCLEAN, VA 22102 |             |                      | EMDADI, KAMRAN      |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 2667                | 10               |

DATE MAILED: 10/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/485,094

Applicant(s)

REPONEN, KARI

Examiner

Kamran Emdadi

Art Unit

2667

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 6/13/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8-14, 17 and 18 is/are rejected.
- 7) ☒ Claim(s) 6, 7, 15 and 16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments, see paper no. 9, filed 6/13/2003, have been fully considered and are persuasive. The rejections of claims 1-18 have been withdrawn as the references are not valid because of ineffective filing dates. However new grounds of rejection have been made.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
3. Claims 1, 8, 10, 11 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mazur et al. (US Patent No. 6072792) in view of Berglund (US Patent No. 6094567).
  - Regarding claims 1, 8, 10, 11 and 17 Mazur teaches: A controller 58 used to cause power amplification where each time slot has a unique power level assigned to it. (Col 8, lines 45-64) and (Figure 5) and two different transceivers (Figure 2). But fails to teach of a heat build up alternating transceiver system for alleviating an overused and overheated transceiver at a base station. Berglund teaches: a plurality of base station transceivers being used in an alternating manner for relieving the excessive heat build-up brought on the individual transceivers from

over usage where the first threshold would be a first (normal) transmission power and the switching of transceivers would be done because of exceeding the power threshold (Abstract) where reducing the power of the transceiver is a method for controlling the transmission powers and heat build up (Col 4, lines 10-14), with a transceiver handoff scenario for the multiple transceivers based on heat build up (Col 2, lines 2-15). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the method of varying time slot power levels with a plan to avoid heat build up by varying power levels to maintain a uniform distribution of signaling in order to satisfy the high quality of real-time uninterrupted voice and related data communication used by a base station.

4. Claims 2-5, 9, 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mazur et al. (US Patent No. 6072792) in view of Berglund (US Patent No. 6094567) and further in view of Eizenhofer et al. (US Patent No. 5933114).
  - Regarding claims 2-5, 9, 12 and 14 Mazur teaches: A controller 58 used to cause power amplification where each time slot has a unique power level assigned to it. (Col 8, lines 45-64) and (Figure 5) and two different transceivers (Figure 2). But fails to teach of a heat build up alternating transceiver system for alleviating an overused and overheated transceiver at a base station and a control channel in the time slot, and packet switched channel type GPRS used by the base station. Berglund teaches: a plurality of base station transceivers being used in an alternating manner for relieving the excessive heat build-up brought on the

individual transceivers from over usage where the first threshold would be a first (normal) transmission power and the switching of transceivers would be done because of exceeding the power threshold (Abstract) where reducing the power of the transceiver is a method for controlling the transmission powers and heat build up (Col 4, lines 10-14), with a transceiver handoff scenario for the multiple transceivers based on heat build up (Col 2, lines 2-15). Eizenhofer teaches: a Base Station communication system (Figure 1) with the GPRS (high speed) packet communication protocol (Col 5, lines 50-55), and a control portion of a data packet (Figure 8). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the method of varying time slot power levels with a plan to avoid heat build up by varying power levels to maintain a uniform distribution of signaling in order to satisfy the high quality of real-time uninterrupted voice and related data communication used by a base station while providing scalability for the next generation base station communication protocol of GPRS.

5. Claims 13 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mazur et al. (US Patent No. 6072792) in view of Berglund (US Patent No. 6094567) and further in view of Pernice et al. (US Patent No. 5956329).
- Regarding claims 13 and 18, Mazur teaches: A controller 58 used to cause power amplification where each time slot has a unique power level assigned to it. (Col 8, lines 45-64) and (Figure 5) and two different transceivers (Figure 2). But fails to teach of a heat build up alternating transceiver system for alleviating an

overused and overheated transceiver at a base station and a control channel in the time slot, and frequency hopping. Berglund teaches: a plurality of base station transceivers being used in an alternating manner for relieving the excessive heat build-up brought on the individual transceivers from over usage where the first threshold would be a first (normal) transmission power and the switching of transceivers would be done because of exceeding the power threshold (Abstract) where reducing the power of the transceiver is a method for controlling the transmission powers and heat build up (Col 4, lines 10-14), with a transceiver handoff scenario for the multiple transceivers based on heat build up (Col 2, lines 2-15). Pernice teaches: a Base Station communication system (Figure 4) with the GPRS using frequency hopping (Col 5, lines 30-34). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the method of varying time slot power levels with a plan to avoid heat build up by varying power levels to maintain a uniform distribution of signaling in order to satisfy the high quality of real-time uninterrupted voice and related data communication and to include a method of communication of frequency hopping used by GPRS.

***Allowable Subject Matter***

6. Claims 6, 7, 15 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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7. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims 6, 7, 15 and 16, the prior art made to record when taken individually or in combination fails to teach of a time slot power adjusting system with a method to prevent heat build up that uses GPRS and EDGE as a protocol for communication. The closest prior art made to record taken as in the combinational form of: Mazur et al. (US Patent No. 6072792) in view of Berglund (US Patent No. 6094567) and further in view of Eizenhofer et al. (US Patent No. 5933114), satisfies all the requirements except for the EDGE modulated traffic a newer and less common protocol within GPRS communication networks.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kamran Emdadi whose telephone number is (703) 305-4899. The examiner can normally be reached between the hours of 8am and 5pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham, can be reached at (703) 305-4378. The fax phone numbers for the organization where this application or proceeding is assigned is (703) 872-9314 for regular communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Kamran Emdadi

09/13/2003

  
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